

**76-5-107.5 Prohibition of "hazing" -- Definitions -- Penalties.**

- (1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:
  - (a)
    - (i) endangers the mental or physical health or safety of another;
    - (ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
    - (iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
    - (iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and
  - (b)
    - (i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
    - (ii) if the actor knew that the victim is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.
- (2) It is not a defense to prosecution of hazing that a person under 21, against whom the hazing was directed, consented to or acquiesced in the hazing activity.
- (3) An actor who hazes another is guilty of a:
  - (a) class B misdemeanor except as provided in Subsection (3)(b), (c), (d), or (e);
  - (b) class A misdemeanor if the act involves:
    - (i) the operation or other use of a motor vehicle;
    - (ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or
    - (iii) the consumption of a drug or a substance as defined in Section 76-5-113;
  - (c) third degree felony if the act involves the use of a dangerous weapon as defined in Section 76-1-601;
  - (d) third degree felony if the hazing results in serious bodily injury to a person; or
  - (e) second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon as defined in Section 76-1-601.
- (4) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.
- (5)
  - (a) This section does not apply to military training or other official military activities.
  - (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.
- (6)
  - (a) A prosecution under this section does not bar a prosecution of the actor for:
    - (i) any other offense for which the actor may be liable as a party for conduct committed by the person hazed; or
    - (ii) any offense, caused in the course of the hazing, that the actor commits against the person who is hazed.
  - (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.
  - (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

Amended by Chapter 340, 2011 General Session